

MEMORANDUM FOR THE RECORD

0607  
OLC 74- ~~8448~~

SUBJECT: H. R. 13798, "Central Intelligence Agency Disclosure Act"

H. R. 13798, introduced by Representative Ronald V. Dellums (D., Ca.), amends certain statutory authorities affecting CIA to require the Agency to furnish information to the Congress which the Agency presently is exempt from reporting. These authorities are as follows:

- a. Section 2953 of title 5, "Reports to Congress on additional employee requirements"

This section requires agencies to report to Congress in detail any pending or proposed legislation which would involve an estimated annual expenditure of appropriated funds in excess of \$1,000,000. The report would include a statement for each of the first five fiscal years that the proposal would be in effect and would include the estimated number of man years of civilian employment, and expenditures for all purposes. CIA is specifically exempt from this section.

Effect of H. R. 13798: Section 2593 would be amended to require CIA to provide a report upon the request of a "congressional committee or subcommittee having jurisdiction over matters relating to such Agency."

This amendment does not appear to seriously affect the Agency since the definition appears to principally concern only our oversight committees. Suitable arrangements could be made with the staff of our committees to meet these requirements if enacted into law.

b. Section 4(a) of the Act of August 28, 1958, "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense"

This law establishes a general authorization for agencies of Government engaged in national defense activities to negotiate contracts without regard to other provisions of contract law whenever such action would facilitate the national defense. The President must provide an annual report to the Congress of all such actions taken; however, information which would be detrimental to the national security if disclosed may be omitted.

Effect of H. R. 13798: This section is amended to require that any information omitted from a report to the Congress for reasons of national security must be provided upon request to any congressional committee <sup>or subcommittee</sup> /when the information relates to any matter within the jurisdiction of such committee or subcommittee.

This amendment could present problems since the subject matter of contracts negotiated by the Agency could involve broad aspects of foreign policy over which the Senate Foreign Relations Committee may consider that it has jurisdiction. There may very well be similar broad subject matters concerning other committees or subcommittees.

- c. Section 6 of the Central Intelligence Agency Act of 1949, as amended (Section 7 in H. R. 13798)

This section exempts the Agency from the provisions of any law which would require the publication or disclosure of the organization, functions, names, numbers of personnel, etc., employed by the Agency.

Effect of H. R. 13798: This section would be amended to require the Director to provide "any information upon request" to any congressional committee or subcommittee concerning any matters within the jurisdiction of such committee or subcommittee.

This amendment would in effect require the Agency to respond to the demands of practically every committee or subcommittee which is in any way involved in or affected by foreign policy matters. This would raise

conflicts with the Director's statutory responsibilities for the protection of sources and methods and objectives of executive privilege,

d. Section 8(b) of the Central Intelligence Act of 1949, as amended

This section authorizes the Director to expend Government funds for objects of a confidential nature solely on his personal voucher.

Effect of H. R. 13798: This section is amended to require the Director to provide upon request information within the jurisdiction of any committee or subcommittee of Congress which would enable it to determine whether such expenditures conformed to "the authorized functions of the Agency and the congressional intent in establishing the Agency."

This amendment would subject the Director's covert funding authority to such a broad congressional review which would undoubtedly jeopardize clandestine and other sensitive Agency operations.

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